

## **Alternative 1**

### **Sec. 35.1-34. Limited business districts (B-1).**

(a) Intent. These districts are intended to provide for business uses which, if properly designed, are compatible with nearby residential areas because they generate a minimum of lights, noise and other nuisances. While they generate a moderate level of employee traffic, they do not involve the constant traffic flows characteristic of retail activities. These districts can provide a transition from retail districts and heavily traveled thoroughfares to residential areas.

(b) Prohibited uses. Within any business B-1 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial or manufacturing purposes.

(c) Uses permitted by right. The following uses will be permitted by right subject to the regulations of the zoning ordinance, including those specific uses in Article X of the zoning ordinance:

~~(1) Uses permitted by right and as regulated in the adjacent residential district of highest density.~~

~~(2)~~ (1) Barber shops and beauty parlors.

~~(3)~~ (2) Branch banks and branch offices of savings and loan associations, including incidental drive-in service windows for such types of businesses.

~~(4)~~ (3) Boardinghouses or lodging houses.

~~(5)~~ (4) Care centers.

~~(6)~~ (5) Churches and other places of worship.

~~(7)~~ (6) Clubs and fraternal organizations.

~~(8)~~ (7) Computer centers.

~~(9)~~ (8) Convalescent and nursing homes.

~~(10)~~ (9) Convents and monasteries.

~~(11)~~ (10) Dance studios.

~~(12)~~ (11) Funeral homes and undertaking establishments.

~~(13)~~ (12) Group homes.

~~(14)~~ (13) Halls or theaters for music, drama, lectures or other civic or amateur presentations of the arts.

~~(15)~~ (14) Libraries, museums and similar institutions of noncommercial nature.

~~(16)~~ (15) Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale, demonstration or repair.

~~(17)~~ (16) Parking of passenger automobiles, not including trailers, trucks or buses, on open lots for transient occupancy, for which fees may be charged; however, automobile sales will not be permitted on such lots, nor shall any floodlights, or similar device, be used for illumination, except shaded lights sufficient for safety and illuminating only the lot itself may be used, provided, the source of light is not visible beyond the property line.

~~(18)~~ (17) Police stations, fire stations and public offices providing decentralized services to surrounding residential areas.

~~(19)~~ (18) Rooming houses.

~~(20)~~ (19) Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.

~~(21)~~ (20) Telecommunications towers and facilities (see Article XI. Telecommunications towers and facilities).

~~(22)~~ (21) Telephone exchanges and dial centers.

~~(23)~~ (22) Tourist homes or bed and breakfast.

~~(24)~~ (23) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(d) Permitted accessory uses. The following uses will be permitted as accessory to principal uses in limited commercial districts as regulated by Section 35.1-24 of the zoning ordinance.

~~(1) Uses permitted and as regulated as accessory uses in the adjacent residential district of the highest density.~~

~~(2)~~ (1) Off-street parking lots or structures under the regulations of Section 35.1-25 and Article X of the zoning ordinance.

~~(3)~~ (2) Signs, as permitted herein.

~~(4)~~ (3) Pharmacies within buildings and occupied by and incidental to medical and dental offices.

~~(5)~~ (4) Food service facilities for the use of persons regularly employed in permitted uses, where such facilities are included within the building served.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in limited business districts (B-1) under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

(1) Cemeteries and columbariums

(2) Cluster commercial development.

(3) Hospitals and sanitoriums.

(4) Public utilities.

(5) Schools and colleges for general education with a total enrollment of over twenty-five (25) students.

(6) Traditional neighborhood developments.

(7) Residential uses.

(f) Standards for the B-1, limited business district.

(1) General standards

#### B-1

Minimum average lot area per establishment (square feet)	6,000
Minimum lot depth (feet)	100
Minimum front yard (feet)	20
Minimum side yard (feet)	8
Minimum side yard corner lot (feet)	10
Minimum rear yard (feet)	25

(2) Height regulations.

a. In any residential district or business district, buildings occupied as an apartment house, hotel, telephone exchange, club, public or semi-public building such as a church or other place of worship, school, library, hospital, may be erected to not more than one hundred twenty-five (125) feet in height; provided that the portion of such building more than forty (40) feet in height shall set back from the street, lot or required yard line, one (1) foot for each two (2) feet of such additional height.

b. The building height limitations of this section, except as provided in Article X of the zoning ordinance, shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, cooling towers, elevator bulkheads, fire towers, grain elevators, chimneys, flues, flag poles, radio and television towers, necessary mechanical appurtenances, nor to a parapet wall extending not more than four (4) feet above the limiting height of the building on which it rests. No tower permitted by this exception to the height limitation shall be used as a place of habitation or for tenant purposes. No sign, name plate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the district height limitations.

(3) Area regulations. Each dwelling, boardinghouse, lodging house, convalescent and nursing home, tourist home and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than one thousand (1,000) square feet for each family unit, except that the minimum area for any such lot shall be six thousand (6,000) square feet, and the minimum width fifty (50) feet; provided, however, that a lot having less area, or less width, than herein required, and of record at the time of the effective date of this section, may be occupied by a single-family dwelling only.

Note 1. Where there are existing buildings in a block, the required front yard shall be the same depth as the average established for such existing buildings, provided that no front yard shall be required to exceed forty (40) feet in depth.

Note 2. These standards need not necessarily apply in planned unit developments.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance. (Ord. No. O-78-352, 12-12-78; Ord. No. O-79-330, § 1, 11-13-79; Ord. No. O-89-201, § 1, 7-11-89; Ord. No. O-90-055, 2-13-90; Ord. No. O-91-092, 5-14-91; Ord. No. O-93-123, 5-11-93; Ord. No. O-93-280, 10-12-93; Ord. No. O-97-080, 5-13-97; Ord. No. O-97-246, 12-9-97; Ord. No. O-98-013, 2-10-98; Ord. No. O-04-074, 6-22-04)

## **Sec. 35.1-35. Local neighborhood business districts (B-2).**

(a) Intent. These districts are to provide for commercial and other services for their immediate area. Uses permitted are those providing merchandise or services needed frequently by occupants of residential areas.

(b) Special regulations. The following special regulations shall apply in local neighborhood business districts:

(1) No B-2 district shall exceed a total of two (2) acres of net area.

(2) No B-2 district shall be established or extended unless it is adjacent to or at least one (1) mile from any other B-2, B-3 or B-4 district.

(c) Prohibited uses. Within any business B-2 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose.

(d) Uses permitted by right. The following uses will be permitted by right in local neighborhood business districts under the regulations of Section 35.1-14 of this ordinance:

~~(1) Uses permitted by right in R-1 through B-1 districts and as regulated in the adjacent residential district of the highest density.~~

~~(2)~~ (1) Establishments selling the following types of merchandise at retail wholly within an enclosed building:

Bakery goods  
Confectionery goods  
Antiques and gifts  
Delicatessen goods  
Drugs, pharmaceuticals and cosmetics  
Books, magazines and stationery  
Flowers and other plants  
Food  
Hardware  
Variety goods

~~(3)~~ (2) The following types of service establishments:

Barber and beauty shops  
Laundries and dry cleaning establishments: self-service and pick-up and delivery, but without laundry and dry cleaning equipment except coin-operated self-service machines

Custom dressmaking  
Shoe repairing, with customary sales of related merchandise  
Tailoring shops  
Branches of banks and savings and loans institutions  
Medical, dental and other professional offices, restaurants, completely enclosed within a building.

~~(4)~~ (3) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. The following shall be permitted as accessories to permitted principal uses in local neighborhood commercial B-2 districts:

~~(1) Accessory uses permitted in the adjacent residential district of highest permitted densities except where a conditional use permit is required by Section 35.1-35f of the Zoning Ordinance.~~

~~(2)~~ (1) Off-street parking lots as regulated in Section 35.1-25 of this ordinance.

(f) Uses permitted by conditional use permit. The following uses shall be permitted in local neighborhood business districts as conditional use under the regulations of Section 35.1-15 and Article X of this ordinance:

(1) Uses permitted as conditional use permits in the B-1 districts. ~~and as regulated in the adjacent residential district of the highest density.~~

(2) Outdoor restaurants.

(3) Schools and colleges for general education with a total enrollment over fifty ~~(50)~~ students.

(4) Residential uses.

(g) Standards. The following dimensional standards shall apply within the B-2 business district:

(1) General standards B-2

Minimum average lot area per establishment (square feet)	6,000
Minimum lot depth (feet)	100

(2) Yard regulations.

a. When a lot in any B-2 district is used, in whole or in part, for residential purposes the yard requirements shall be the same as those in the R-5 residential district Section 35.1-33.

b. Front yards.

1. Where all of the lots contained within a block are in a business B-2 district, there shall be a front yard having a depth of not less than twenty (20) feet; provided that if the natural slope of the ground contained within a block is such that the average difference in elevation between the sidewalk grade and the grade at the setback line is greater than five (5) feet, whether there be buildings in such block or not, the setback line may be established at a distance back where such difference in elevation is five (5) feet, but in no case shall the depth of the front yard be less than fifteen (15) feet.

2. Where the lots contained within a block are partly in this district and partly in another district in which a greater front yard is required, the front yard requirements of the latter district shall apply to the entire street frontage in both districts, or twenty (20) feet, whichever distance is the greater.

3. Where there are existing buildings in a block, the required front yard shall be the same depth as the average established for such existing buildings; provided that no front yard shall be required to exceed forty (40) feet in depth. Provided, further, that in any B-2 business district, when as of the time of passage of this ordinance more than twenty-five (25) per cent of the street frontage on one (1) side of the street is occupied by business buildings, only the setback observed by such buildings shall be considered in establishing the average, and the setback line observed by gasoline service stations shall not be a factor in calculating the average setback line.

4. Interior lots having a frontage on two (2) streets shall have a front yard on each street as provided in a., b. and c. above.

5. Corner lots: Where front yards have been established, or may be required, within a block, on each of two (2) intersecting streets; there shall be a side yard, for the full depth of the lot, abutting the side street of a corner lot, and equal in depth to such established or required front yards on the side street. No accessory building shall project into the required front or side yard abutting either street, nor be located in any rear yard which may extend in front of the required setback line on the side street.

c. Side yards. For corner lots, when a side yard is not required along the side street, there shall be a side yard ten (10) feet in width along such street. For all other lots, no side yard is required except where a business B-2 district abuts a residential district, in which case the yard required on the abutting side shall be the same as that required in the residential district.

d. Rear yards. No rear yard is required except where a business B-2 district abuts a residential district, in which case the yard so abutting shall be the same as the side yard requirement in the residential district.

(3) Height regulations. Building height regulations shall be the same as those in the B-1 district, Section 35.1-34.

(4) Area regulations. Each dwelling, boardinghouse, lodging house, convalescent and nursing home, tourist home and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than one thousand (1,000) square feet for each family unit, except that the minimum area for any such lot shall be six thousand (6,000) square feet, and the minimum width fifty (50) feet; provided, however, that a lot having less area, or less width, than herein required, and of record at the time of the effective date of this section, may be occupied by a single-family dwelling only.

Note 1. These standards need not necessarily apply in planned unit developments.

(h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(i) Parking requirements. Off-street parking and loading shall be provided as required in Section 35.1-25 of this ordinance. (Ord. No. O-87-078, § 1, 5-11-82; Ord. No. O-89-201, § 1, 7-11-89; Ord. No. O-92-258, 8-11-92; Ord. No. O-93-280, 10-12-93; Ord. No. O-97-080, 5-13-97; Ord. No. O-04-074, 6-22-04; Ord. No. O-06-070, 6-13-06)



### **Sec. 35.1-36. Community business districts (B-3).**

(a) Intent. These districts are to provide for commercial and other services for large sections of the city. They will include a wide range of business uses and other uses compatible with a moderate-sized business area, at densities lower than those permitted in the central business area. New districts of this type will be strongly encouraged to develop as fully planned entities.

(b) Prohibited uses. Within any business B-3 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose.

(c) Uses permitted by right. The following uses will be permitted by right in community business districts under the regulations of Section 35.1-14 of the zoning ordinance:

(1) Uses permitted by right or by conditional use permit in the ~~R-1~~ (B-1) through B-2 districts, except a PUD, a CCD, a TND, or uses specifically listed as requiring a conditional use permit in the B-3 district.

(2) Establishments selling the following types of merchandise at retail:

Household appliances

Art works

Art supplies

Bakery goods

Bicycles

Business machines

Carpets and rugs

Clothing and accessories

Dry goods

Furniture

Garden and farm supplies

Greenhouses, nurseries and garden supply establishments

Jewelry

Luggage

Musical equipment and supplies

Orthopedic appliances

Optical goods

Paint

Pets

Radios, television sets and phonographs

Phonograph records

Photographic equipment

Sporting goods, toys and games

Supermarkets or food stores exceeding eight thousand (8,000) square feet in total floor area  
Virginia A.B.C. package stores  
Hotels and motels

(3) Services listed below:

Auditoriums, limited to a maximum capacity of one thousand (1,000) persons  
Automobile driving schools  
Banquet halls  
Bicycle rentals  
Blueprinting, duplicating and printing shops limited to a maximum of five thousand (5,000) square feet of floorspace  
Business services not involving large mechanical devices schools and colleges of all types (including vocational schools) that do not exceed a maximum enrollment of one hundred (100) students  
Public and commercial parking lots and parking garages for automobiles only  
Dance studios  
Funeral undertakers  
Interior decorating establishments  
Medical and dental laboratories  
Loan offices  
Locksmith shops  
Opticians and optometrists  
Pawn shops  
Photographic studios  
Stage and motion-picture theaters  
Travel bureaus  
Gymnasiums and health salons

(4) Banks, savings and loan, and similar establishments.

(5) Wholesale sales establishments with storage limited to a maximum area of one thousand (1,000) square feet.

(6) Radio and television studios and stations, without towers, provided that studios produce no exterior electromagnetic effect and are soundproofed from adjoining properties.

(7) Restaurants, including drive-in and outdoor restaurants.

(8) Other uses determined by the city council to be similar to and compatible with the above uses.

(d) Permitted accessory uses. The following shall be permitted as accessories to permitted principal uses in community business districts:

(1) Accessory uses permitted in the B-1 and B-2 districts. ~~(except those uses customarily permitted only as accessories to residential uses) shall be permitted in B-3 districts only as accessories to residential uses permitted and regulated herein as conditional use permit.~~

(2) Dance floors, accessory to restaurants.

(3) Other uses determined by the city council to be customary as accessories to uses permitted in this district.

(e) Uses permitted by conditional use permit. The following uses shall be permitted in community business districts as conditional use under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

(1) Residential uses, ~~when part of a multi-use development on a minimum lot size of ten (10) acres.~~

(2) Automobile service stations.

(3) Arts and crafts shops.

(4) Arenas and auditoriums limited to a maximum capacity of two thousand five hundred (2,500) persons.

(5) Temporary fairs, exhibitions and circuses.

(6) Veterinarian hospitals without outdoor kennels, including facilities for the sale and care of animals normally kept as pets but not farm animals.

(7) Automobile and trailer rentals.

(8) Commercial recreation places such as dancing, bowling, billiards and the like, when located within enclosed buildings.

(9) Cluster commercial development.

(10) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.

(11) Traditional neighborhood developments.

(f) Standards. The following dimensional standards shall apply within the B-3 business district:

(1) General standards

### B-3

Minimum average lot area per establishment (square feet)	6,000
Minimum lot depth (feet)	100

(2) Yard regulations. The requirements for yards shall be the same as that for business B-2 districts, Section 35.1-35.

(3) Height regulations. The height requirements shall be the same as that for business B-2 districts, Section 35.1-35.

(4) Area regulations. The area requirements shall be the same as those for business B-2 districts, Section 35.1-35.

Note 1. These standards need not necessarily apply in planned unit developments.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance. (Ord. No. O-81-134, § 1, 6-9-81; Ord. No. O-82-078, § 1, 5-11-82; Ord. No. O-91-092, 5-14-91; Ord. No. O-92-258, 8-11-92; Ord. O-98-013, 2-10-98; Ord. No. O-04-074, 6-22-04)

## **Sec. 35.1-38. General business district (B-5).**

(a) Intent. This district is to provide for a variety of commercial and similar uses which require large sites and which often produce substantial nuisance effects. The location of these districts should provide for a high level of access, relatively large amounts of level land, and opportunities to shield adjacent residential districts from nuisance effects.

(b) Special regulations. The following special regulations shall apply in general business districts:

(1) Direct access shall be available to at least one (1) arterial street.

(2) Driveways shall be kept to a minimum and shall meet the requirements of the “Standard Entrance Policy” of the City of Lynchburg.

(c) Prohibited uses.

(1) Within any business B-5 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for other than one (1) or more of the following specified purposes; provided that no operations shall be carried on which create conditions of smoke, fumes, noise, odor, light or dust detrimental to health, safety or the general welfare of the community.

(d) Uses permitted by right. The following uses shall be permitted by right in the general business district subject to the regulation of Section 35.1-14 to the zoning ordinance:

(1) Uses permitted by right in the B-3 district, ~~except one (1) and two (2) family dwellings.~~

(2) The following additional uses:

Auction rooms

Armories

Automobile and truck rental

Automobile, truck and trailer sales with outside sales and storage permitted

Automobile service stations

Automobile and truck tire sales

Rebuilding and retreading establishments

Battery sales

Bottling plants

Billboards, subject to the regulations of Section 35.1-26.1

Blacksmith shops

Bookbinding  
Building material sales  
Carpentry shops  
Coffee and peanut roasting  
Commercial amusements, including swimming pools, golf courses and driving ranges, and skating rinks, but not including circuses, carnivals, and race tracks  
Contractors' establishments  
Dairies, pasteurizing plants, or ice cream manufacture  
Dance halls  
Depositories for the storage of office records, microfilm or computer tapes  
Diaper services  
Drive-in theaters  
Dry cleaning and dying plants  
Exterminators  
Furniture upholstery and repair shops  
Custom furniture manufacturing  
Commercial greenhouses  
Hiring halls and other places of assembly for the registration or assignment of employment  
Automobile painting and body repair shops  
Laundries  
Sales lots for construction and farm equipment and similar machinery  
Ice manufacture  
Commercial kennels for dogs and other pets  
Wholesale or produce markets  
Monument and gravestone sales  
Motion-picture production studios  
Newspaper offices  
Photographic developing and printing establishments  
Printing plants  
Second-hand stores including auction sales provided such activity is conducted wholly within an enclosed building  
Small sign shops  
Storage warehouses and yards, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards or the storage of combustibles prohibited by the fire code  
Travel trailer sales and rentals  
Window blinds, shades and awnings (manufacture)  
Leather products (not to include tanning)  
Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. The following uses are permitted as accessory to principal uses permitted in general business districts:

(1) Accessory uses permitted in B-3 districts.

(2) Other uses determined by the planning commission to be customarily accessory to uses permitted in this district.

(3) Exterior signs pertaining to the uses conducted on the premises, as regulated in the B-4 district, except that projecting signs otherwise complying with this ordinance will be permitted.

(f) Uses permitted by conditional use permit. The following uses shall be permitted in general business districts as conditional use under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Temporary fairs, amusement parks and circuses.
- (2) Arenas, auditoriums or stadiums unlimited in capacity.
- (3) Moving and storage establishments.
- (4) Transient trailer parks.
- (5) Radio towers and transmitting stations.
- (6) ~~One (1) and two (2) family dwellings.~~ Residential Uses.
- (7) Motor freight stations.
- (8) Trucking terminals.
- (9) Commercial swimming pools.
- (10) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.
- (11) Flexible space developments as provided in Section 35.1-43.14.

(g) Standards for B-5 business districts.

(1) General standards

B-5

Minimum average lot area per establishment (square feet)	None required
Minimum lot depth (feet)	0

(2) Yards. When a lot in any business B-5 district is used, in whole or in part, for residential purposes, the yard requirements shall be the same as those in a residential R-5 district.

a. Front yards.

1. Where all of the lots contained within a block are located in a business B-5 district, no front yard will be required.

2. Where the lots contained within a block are partly in this district and partly in another district in which a greater front yard is required, the front yard

requirements of the latter district shall apply to the entire street frontage in both districts, or twenty (20) feet, whichever distance is the greater.

b. Side yards. No side yard shall be required except where a business B-5 district abuts a residential district, in which case the yard required on the abutting side shall be the same as that required in the residential district.

c. Rear yards. The requirement for rear yards is the same as that for business B-2 districts, Section 35.1-35.

(3) Height regulations. The height regulations shall be the same as those required for a business B-4 district, Section 35.1-37.

(4) Area regulations. The area requirements shall be the same as those required for a business B-2 district, Section 35.1-35.

(h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(i) Parking requirements. Off-street parking and loading space shall be provided; however, the requirements of off-street parking of said section shall not apply in connection with buildings located in the first fire district as described in the city code. (Ord. No. O-78-352, 12-12-78; Ord. No. O-81-134, § 1, 6-9-81; Ord. No. O-82-078, § 1, 5-11-82; Ord. No. O-87-210, § 1, 9-8-87; Ord. No. O-91-092, 5-14-91 Ord. No. O-92-258, 8-11-92; Ord. No. O-04-074, 6-22-04; Ord. No. O-04-117, 9-14-04; Ord. No. O-06-070, 6-13-06)